IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 24418 of 2007(F)

OS.341/2007 of PRL.M.C.,KOZHIKODE-II

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PETITIONER:

MANDODI PREMAN, SON OF KANDANKUTTY,
AGED 54 YEARS, 'LAKSHMI NIVAS', P.O. FEROKE,
CHERUVANNUR, KOZHIKODE DISTRICT.

BY ADV. SRI.M.P.MOHAMMED ASLAM
SRI.P.K.YUSUFF ISSUDDIN

RESPONDENTS:

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1. NALLALAM GRAMA PANCHAYAT,
REPRESENTED BY ITS EXECUTIVE OFFICER,
OFFICE OF NALLALAM PANCHAYAT, KOZHIKODE DISTRICT.

2. CICILY, WIFE OF JOHN,
AGED ABOUT 60 YEARS, VICE PRESIDENT,
NALLALAM PANCHAYAT, R.C. CHURCH COMPOUND,
CHERUVANNUR, KOZHIKODE DISTRICT.

3. VADAKKE VEETTIL USMAN, SON OF HASSANKOYA
AGED ABOUT 45 YEARS, RESIDING NEAR T.P.HOSPITAL,
CHERUVANNOOR, P.O. FEROKE, KOZHIKODE.

4. ARIKKATTAN ASHRAF, SON OF MOIDEENKOYA,
AGED ABOUT 38 YEARS, RESIDING NEAR T.P. HOSPITAL,
CHERUVANNOOR, P.O. FEROKE, KOZHIKODE.

5. HOUSHEER, SON OF AHAMMED,
THEKKAMPURATH HOUSE, T.P. HOSPITAL,CHERUVANNOOR,
P.O. FEROKE, KOZHIKODE.

6. SHEMEER, SON OF PUTHALATH SAIDALAVI,
NEAR T.P. HOSPITAL,CHERUVANNOOR,
P.O. FEROKE, KOZHIKODE.

7. SUB INSPECTOR OF POLICE, NALLALAM.

BY GOVT. PLEADER SMT. R.BINDU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No. 24418 OF 2007 F

Dated this the 10th August, 2007.

JUDGMENT

This writ petition is preferred to direct the Munsiff II, Kozhikode to dispose of the injunction application, commission application etc. and also for a direction to the Nallalam Grama Panchayat to dispose of Ext.P10 application. Learned counsel for the writ petitioner submits that the delay in disposal of the injunction application causes real prejudice and affects the right of the plaintiff in the suit and therefore it has to be disposed of at the earliest. Even otherwise Order XXXIX Rule 3A CPC prescribes a time limit of 30 days for disposal of the case. The other application Ext.P8 is for issuance of a commission which also has to be considered by the court below. It is submitted that a commissioner has already visited the property and what the plaintiff wants by virtue of Ext.P8 is a remission to note the additional particulars required. Ext.P10 is an application filed before the Panchayat which also deserves to be considered and disposed of. Therefore, the writ petition is disposed of directing the Munsiff II, Kozhikode to consider and dispose of Exts.P4 and P8 applications within a time limit of three weeks from today and the Nallalam Grama Panchayat is

directed to dispose of Ext.P10 application also within a period of three weeks. Needless to say that if any hearing is required it has to be done and orders passed in accordance with law.

M.N.KRISHNAN
Judge

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